UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,611	10/03/2001	Dwight Poplin	MICR-112US	2702

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EXAMINER
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ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/970,611	POPLIN, DWIGHT
	Examiner	Art Unit	
	Kelly L. Jerabek	2622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-8,10,12-16,18-21 and 24-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-8,10,12-16,18-21 and 24-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/21/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-8, 10, 12-16, 18-21 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-8, 10, 12-16, 18-21 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinsky et al. US 6,285,398 in view of Miller et al. US 2005/0185055.

Re claim 18, Shinsky discloses in figure 3 a system including a video camera capable of transmitting raw video data to a host computer where it is processed and converted for display (col. 4, lines 6-27). The system provides a method of adjusting image-capturing parameters of an image-capturing device (100) comprising: capturing a scene of interest as raw image data using an image sensor (12) of the image-capturing device (100) (col. 4, lines 30-53); processing the raw image data using first settings of the image capturing parameters (contrast, brightness, hue, gain, etc.) to produce a first image of the scene of interest; processing the raw image data using second settings of the image capturing parameters (contrast, brightness, hue, gain, etc.) to produce a second image of the scene of interest (col. 5, line 31- col. 8, line 35; col. 9, line 40 – col. 10, line 65) (The host computer (200) processes the raw image data in order to continually adjust the gain and appropriately adjust the control signals according to input of a user via a graphical user interface, thus multiple images are produced according to the updated image capturing parameters); and adjusting current settings of the image capturing parameters of the image capturing device (100) to conform with one of the first and second images, the adjusted current settings of the image capturing

parameters being used by the image capturing device (100) to capture a subsequent

image (generated shutter and AGC control signals are provided to the camera (100)

(col. 8, lines 1-15, 55-67)). Although the Shinsky reference discloses all of the above

limitations including a graphical user interface allowing a user view images and to

provide control inputs to adjust current settings (gain value, contrast, brightness, hue,

etc.) of a picture, the reference fails to distinctly state that first and second images have

different image capturing parameters are displayed for user selection, selecting, buy a

user one of the first and second images; repeating the processing steps and displaying

step using a first setting and a second setting of a second selected image-capturing

parameter to produce third and fourth images of the scene of interest; and selecting, by

the user, one of the third and fourth images.

Miller discloses a customizable camera capable of being customized according

to the preferred settings of a user. Miller discloses that the camera processor (18)

displays a group of images on a display (22) either simultaneously or sequentially and

allows a user to select an image having the appearance that they prefer from among the

group of images. Miller further states that the process is repeated using additional sets

of images to verify the settings and the current settings of the image-capturing

parameters of the camera are adjusted to conform to the selected settings of the

selected images (pages 5-6; paragraphs 57-58; figures 3A,3B). Therefore, it would

have been obvious for one skilled in the art to have been motivated to include the

concept of adjusting the currents settings of image capturing parameters of a camera

according to multiple displayed images that are selectable by a user as disclosed by

Miller in the method of processing raw image data by setting image capturing

parameters using a graphical user interface as disclosed by Shinsky. Doing so would

provide a means for allowing a user to adjust the settings of a camera by selecting an

image having a preferred appearance from among a group of images having various

degrees of settings.

Re claim 19, Shinski states that the image capturing parameters adjusted by the

host computer (200) include contrast, brightness, hue, gamma correction, and white

balance (col. 6, lines 17-35; col. 7, lines 57-60; col. 9, lines 44-48).

Re claims 20-21, Miller states that the step of displaying first and second images

includes simultaneously or sequentially displaying the images (page 5, paragraph 57).

Re claims 1 and 10, Shinsky discloses in figure 3 a system including a video

camera capable of transmitting raw video data to a host computer where it is processed

and converted for display (col. 4, lines 6-27). The system provides a method of

adjusting image-capturing parameters of an image-capturing device (100) comprising: a

first image and a second image using different settings of image capturing parameters

including: processing raw image data using first settings of the image capturing

parameters (contrast, brightness, hue, gain, etc.) to produce a first image of the scene

of interest; processing the raw image data using second settings of the image capturing

parameters (contrast, brightness, hue, gain, etc.) to produce a second image of the

scene of interest (col. 4, lines 30-53;col. 5, line 31- col. 8, line 35; col. 9, line 40 – col.

10, line 65) (The host computer (200) processes the raw image data in order to

continually adjust the gain and appropriately adjust the control signals according to input

of a user via a graphical user interface, thus multiple images are produced according to

the updated image capturing parameters); and adjusting current settings of the image

capturing parameters of the image capturing device (100) to conform with one of the

first and second images, the adjusted current settings of the image capturing

parameters being used by the image capturing device (100) to capture a subsequent

image (generated shutter and AGC control signals which conform to the user input via

the graphical user interface are provided to the camera (100) (col. 8, lines 1-15, 55-67)).

Although the Shinsky reference discloses all of the above limitations including a

graphical user interface allowing a user view images and to provide control inputs to

adjust current settings (gain value, contrast, brightness, hue, etc.) of a picture, the

reference fails to distinctly state that first and second images having different image

capturing parameters are displayed as comparison images for user selection, selecting,

by a user, one of the comparison images; processing the raw image data using a third

setting of the selected image-capturing parameter for display of a third image;

displaying the selected one of the first and second images and the third image as

further comparison images and selecting, by the user, one of the further comparison

images for adjusting the settings of the image capturing parameters.

Miller discloses a customizable camera capable of being customized according

to the preferred settings of a user. Miller discloses that the camera processor (18)

displays a group of images on a display (22) either simultaneously or sequentially and allows a user to select an image having the appearance that they prefer from among the group of images. Miller further states that the process is repeated using additional sets of images to verify the settings and the current settings of the image-capturing parameters of the camera are adjusted to conform to the selected settings of the selected images (pages 5-6; paragraphs 57-58; figures 3A,3B). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of adjusting the currents settings of image capturing parameters of a camera according to multiple displayed images that are selectable by a user as disclosed by Miller in the method of processing raw image data by setting image capturing parameters using a graphical user interface as disclosed by Shinsky. Doing so would provide a means for allowing a user to adjust the settings of a camera by selecting an image having a preferred appearance from among a group of images having various degrees of settings.

Re claims 3 and 12, Miller states that the step of displaying first and second images includes sequentially displaying a scene of interest using different settings of a selected image capturing parameter (eg. various degrees of contrast settings) (pages 5-6, paragraphs 57-58).

Re claims 4-5 and 13-14, Shinsky states that the image capturing parameters adjusted by the host computer (200) include contrast, brightness, hue, gamma

correction, exposure period, and white balance (col. 6, lines 17-35; col. 7, lines 57-60;

col. 8, lines 1-15; col. 9, lines 44-48).

Re claims 6-7 and 15-16, Miller states that the step of displaying first and second

images includes simultaneously or sequentially displaying the images (page 5,

paragraph 57).

Re claim 8, Shinsky states that raw image data of a subsequent image is

captured using the current settings (calculated shutter, AGC, and gain adjustment

values) of the image capturing parameters to produce the other image (col. 8, line 57 –

co. 9, line 37).

Re claims 24-26, Shinsky states that the graphical user interface provides a

viewing window which allows a user to view the current video images (raw image data)

sent from the camera and while viewing these video images, the user can provide

control inputs to adjust the contrast, brightness, hue and white balance of the picture in

order to optimize the picture for the current environment (col. 9, lines 40-56). Thus, it

can be seen that Shinsky discloses that processing the raw image data (current video

images sent from the camera) using the second setting of the selected image-capturing

parameter (the user selected parameters, eg. contrast, brightness, hue and

whitebalance) includes generating a simulated image (a new updated image is

produced each time the user adjusts a parameter) that represents an image captured

using the second setting (whatever parameter setting the user chooses second in the sequence) of the selected image-capturing parameter to produce a second image.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on **(571) 272-7372**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

TUAN HO
PRIMARY EXAMINER